

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

PICFLIPS, LLC

v.

MIKEY B'S PERFECT IMAGE, LLC,  
DALLASPARTY.COM,  
INSTANTPARTYIDEAS.COM,  
MICHAEL BERGENHOLTZ,  
DIAMOND BERGENHOLTZ,  
DOES 1-25,  
XYZ COMPANIES 1-25

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Case No. 4:09cv620  
(Judge Schneider/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On December 18, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff PicFlips, LLC's Motion for Temporary Restraining Order, Seizure and Impoundment Order, Expedited Discovery, and Order to Show Cause against Preliminary Injunction (Dkt. #2) should be **DENIED**.

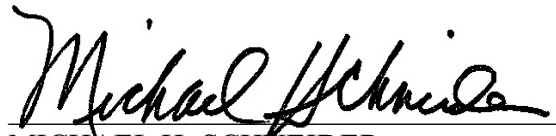
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff PicFlips, LLC's Motion for Temporary Restraining

Order, Seizure and Impoundment Order, Expedited Discovery, and Order to Show Cause against Preliminary Injunction (Dkt. #2) is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 12th day of January, 2010.**

A handwritten signature in black ink, reading "Michael H. Schneider", is written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE